United Nations A/AC.109/PV.1435

General Assembly *Official Records*

Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

1435th Meeting
Wednesday, 13 July 1994, 10.00 a.m.
New York

Acting Chairman: Mr. Remirez de Estenoz Barciela . . . . . (Cuba)

The meeting was called to order at 10.25 a.m.

Question of East Timor (A/AC.109/1187)

The Chairman *(interpretation from Spanish)*: With respect to this item, the Committee has before it a working paper prepared by the Secretariat (A/AC.109/1187).

In accordance with the decision taken at the 1431st meeting, the Committee will today hear the petitioners whose requests for hearing we have granted.

I appeal to petitioners, first of all, to bear in mind that a team of interpreters is providing simultaneous interpretation into five languages, and to take this into account in terms of their speed and manner of delivery. I urge petitioners not to speak too fast, to ensure correct interpretation.

In view of the question of East Timor having attracted the largest number of petitioners, 28, causing the allocation of two meetings to that question, and in order to ensure that all who requested and been granted a hearing have the opportunity to speak today, I further appeal to petitioners - and this in no way contradicts my first appeal - to be as brief and succinct as possible, even with respect to points they regard as the most essential. Failing such cooperation from the petitioners, it is very likely that not all petitioners will be heard at either of the Committee's meetings on this item, and we believe that they should all have the opportunity to make their statements.

The first petitioner is Mr. Francisco Nicolau of the Timorese Democratic Union.

At the invitation of the Chairman, Mr. Francisco Nicolau (Timorese Democratic Union) took a place at the petitioners' table.

The Chairman *(interpretation from Spanish)*: I call on Mr. Nicolau.

Mr. Nicolau (Timorese Democratic Union (UDT)): Over the decades, questions of prime importance remain unresolved, questions relating to the continuous systematic violation of human rights by States Members of an Organization that in 1948 declared the universality of those very rights, the underlying essence of which is respect for the most elementary, basic human rights by all the civilized States that live together on this planet. It is precisely because of such violations that it is necessary that certain vital committees continue to exist, none more so than the Special Committee on decolonization. This Committee, along with everyone else, would benefit if States grew mature enough to remove the reason for the Committee's existence.

But therein lies the difference between the sacred and the profane: in the eastern part of Timor, the policies of the Indonesian State permit and condone all forms of human-rights violations and have evinced a lack of action to promote maturity and non-barbaric behaviour.

To the contrary, at Vienna, Indonesia reached the very heights of political hypocrisy with its nebulous defence of values such as the right of physical integrity, the right to free expression and the right to life, which the human conscience holds sacred for all, irrespective of geographical location, gender and race.

94-86016 (E)

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The Timorese people have been unwavering in their legitimate defence against Indonesian aggression since 1975. In tandem with such sentiments, the Timorese Democratic Union (UDT) underwent a reorganization through a congress held at Lisbon, which restructured the party to make it more efficient in dealing with Indonesia's continuing aggression and with any future challenge, particularly with respect to safeguarding the rights to our people in the event of a referendum.

The UDT is the historic nationalist party of East Timor. It has never collaborated with Indonesia in Indonesia's push for imperialism. Contrary to what Indonesia has preached about what the UDT allegedly signed in 1975 at Balibo, the UDT has refused to be subjugated or integrated.

Even with the passing of time, the UDT continues to defend vehemently the basic values and principles that formed the basis for its formation in 1975. In spite of limited funds, it has never wavered in its continuous defence of the Timorese people's rights to self-determination and independence. The UDT has been invigorated not only through the rejuvenation of the party, but also through the adoption of a structure better suited to today's realities.

Regrettably, the forces of the Timorese Nationalist Parties are insufficient to curtail the barbaric acts perpetrated by the Indonesian armed forces. Violations of universal human rights continue, almost as an assertion that these rights will never return to East Timor. For example, Panteleao Amaral, 18 years old, was detained in Dili on 23 July 1994; Duarte Ximenes, 17 years old, was tortured; Sebastioa Fraga Freitas has been missing since November 1991; Marcelo, a young boy, was killed by battalion 744/717 on 6 May 1994. These are examples of the common rule that Indonesia implements in East Timor and in other islands where it wishes to continue to subjugate the people.

However, a day will come when President Suharto will learn the lessons of history, and then the process of decolonization - initiated by Portugal and abruptly interrupted by the Indonesian invasion of the Territory - will translate into the Timorese people's freedom to exercise their right to self-determination, in accordance with acceptable models of civilized States and not ad hoc models such as those promoted by Indonesia, because then and only then will peace, justice and freedom prevail in East Timor.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Alyn Ware (Hobart East Timor Committee) took a place at the petitioners' table.

The Chairman: I call on Mr. Ware.

Mr. Ware (Hobart East Timor Committee): I am speaking on behalf of the Hobart East Timor Committee.

Like everyone desiring peace and justice for East Timor, we regret that a solution has not been achieved 19 years after Indonesia's invasion, and we ask that the United Nations be as willing to impose tough measures, including sanctions, to achieve compliance with all Security Council and General Assembly resolutions, as it has been in other situations of invasion.

We would like to speak briefly on the reasons that prompted Indonesia to invade East Timor in 1975 and the extent to which those reasons are still affecting the search for peace.

The most publicized claim in 1975 was that East Timor was "going communist". But even if by some miracle every one of East Timor's 680,000 people had "gone communist" in the space of 20 months, it could have had little impact on Indonesia, which numbered its communists in the millions.

In 1974, Indonesia began its clandestine programme to destabilize East Timor and, if that failed, to invade it. That plan was formulated at a time when East Timor's two major political parties were working together harmoniously and productively towards the shared ideal of independence.

The former Australian Consul in East Timor, James Dunn, has written of this period that

> "One could not help but be struck by the relaxed and happy atmosphere prevailing in the towns and villages, as well as the spirit of tolerance and the optimism among the politically active Timorese".

There are grounds to suggest that Indonesia was worried that East Timor was "going independent", not that it was "going communist". Yet, if Indonesia's Foreign Minister, Mr. Adam Malik, had meant his 1974 assurance to East Timor that

> "whoever will govern in Timor in the future after independence can be assured that the Government of Indonesia will always strive to maintain good relations, friendship and cooperation for the benefit of both countries",

then harmony in East Timor should have been a matter for rejoicing.

In 1975, the surrounding areas of Indonesia - West Timor, Alor, Ambon, Wetar and so on - were among the poorest and most neglected parts of Indonesia. Massive amounts of aid were flowing into Indonesia, but very little of it was reaching the outer islands. It was easy to find untreated cases of leprosy, malaria and tuberculosis. There were schools without staff or books; there were islands without paved roads or wharves.

An independent East Timor eligible for a wide range of United Nations and bilateral aid packages was seen by Jakarta as a threat, because it could exasperate existing discontent in the South Moluccas and nearby islands. But the answer to this potential problem lay not in invading East Timor but in giving greater respect and support to the aspirations of the people living in the most neglected parts of Indonesia.

When the Australian Council for Overseas Aid assessed the situation in East Timor in late 1975, it wrote that

> "the actual level of external assistance required to maintain an independent East Timor in the future would be remarkably small, at least compared to a country such as Indonesia, which will this year require some $2,800 million in loans and grants".

Indonesia could find millions of dollars towards the cost of invading East Timor, but could not find the money to provide Dapsone treatment for its many leprosy victims in West Timor.

There is a widespread belief that Indonesia wanted East Timor so as to use it as a training ground, and its behaviour both before and after the invasion supports that belief.

When Indonesia, in the early 1960s, began dropping paratroopers into Dutch New Guinea, in a campaign masterminded by Major General - now President - Suharto, it was a fiasco. The indigenous people preferred to support Dutch efforts to prepare them for independence in 10 years' time rather than believe in Indonesian rhetoric and simply handed captured Indonesian troops to the Dutch authorities. But it became a diplomatic success when the United States chose to support Indonesia rather than Holland.

Understandably, Indonesia then began planning to take over North Borneo. Suharto again played a vital role in this campaign plan. But Britain chose to support the young nation of Malaysia, and the campaign became a military and diplomatic failure.

So it is understandable that Suharto and his generals saw the small nation of East Timor as a means to restore some prestige to Indonesia's military. East Timor had no navy, no air force and an army of 5,000 men. In fact, the entire called-up strength of the Indonesian Army was greater than the total population of East Timor. The Indonesian military was so confident of success that it dropped leaflets into East Timor claiming it would control the country within five days.

In 1975, Portugal, like South Africa, was regarded by the non-aligned world as an "evil empire" because of its desire to hold on to its African colonies. President Suharto could boost his position within the Non-Aligned Movement by appearing to act against Portuguese colonialism in Timor. But it was not the Portuguese colonists who were bombed, shot, napalmed, tortured, raped and terrorized, but the indigenous people of East Timor. It is to the lasting credit of the Portuguese-speaking nations of Africa that they have persistently worked to overcome this misconception and promote the right of the East Timorese people to self-determination.

It is no longer a secret that the American and Australian intelligence services monitored every step of Indonesia's covert destabilization and invasion plans, and that they not only made no attempt to stop Indonesia or to raise the matter within the United Nations but actually supported, encouraged and helped to finance Indonesia's brutal takeover of East Timor. An operative of the Central Intelligence Agency in Jakarta in 1975 has revealed that, as well as weaponry, the United States also provided material such as soldiers' uniforms.

It is not hard to understand why. The United States was facing defeat and withdrawal in Indochina. Indonesia was offering it the opportunity to be associated with a military success, as well as a chance to be seen as a still-effective anti-communist crusader. Which then of these reasons remains as an impediment?

President Suharto, despite the slaughter in East Timor, West Papua and Aceh, and his defiance of two Security Council resolutions, has achieved his ambition of becoming a leader of the Non-Aligned Movement. Regardless of how he and his generals feel about past military fiascos, it must be clear to them that there is no military glory to be gained by killing defenceless people in East Timor. However, East Timor remains a training ground, a way to rapid promotion and a way for the Indonesian military to augment its pay through a variety of practices.

The number of Indonesians listed as communists exceeds the total population of East Timor, so that, clearly, East Timor has no influence on what Indonesia regards as its communist threat. The poverty of the eastern islands of Indonesia has been addressed only marginally. It is still not difficult to find untreated leprosy, malaria and tuberculosis; there are still villages without clean water or sanitation; and there are still communities without access to anything but the most minimal education.

Indonesia claims that it is developing East Timor. In 1966, a group of donor nations - the Intergovernmental Group on Indonesia - agreed to provide Indonesia with $500 million to help overcome the "chaos of the Sukarno years". Each year since then, the amount of assistance required by Indonesia has increased to the point where it is now over $5 billion a year. It is debatable whether Indonesia can afford to develop East Timor when its own needs for outside assistance are so great; and to channel some of this assistance to East Timor through Indonesia's bureaucracy is an extremely inefficient and inappropriate way of providing assistance to East Timor.

The United States has begun to withdraw moral support and practical assistance from Indonesia's military, and there are progressively fewer places in the world where Indonesians can be safe from embarrassing questions on East Timor.

Within East Timor itself, Indonesia has made sure that resistance will continue, because the only truly Timorese thing left to the East Timorese people is their struggle for identity and independence. Indonesians are taking over Timorese land; Timorese possessions are regularly "expropriated" by the Indonesian army; Indonesians have now taken control of all of East Timor's resources; Timorese languages are banned; Timorese culture is being undermined and derided; Timorese families and communities are broken up and dispossessed; and even the Timorese church is having Indonesian priests foisted upon it.

There are many powerful reasons why the United Nations should be willing to be as active in East Timor as it has been in Cambodia, Bosnia and elsewhere. Perhaps, too, in this International Year of the Family, more attention could be paid to Indonesia's destruction of East Timor's once rich and supportive clan, family and community structures.

The Matebian encirclement of 1976 and 1977 was as horrific as anything which has occurred in Bosnia, but there were no media to film it and it was not foilowed by active United Nations intervention. Instead, it was followed by massive famine, the brutal "Fence of Legs" campaign, the Kraras and Lacluta massacres, the forcible removal of much of the population from its traditional lands, the deliberate poisoning of at least 200 Timorese children. In 1991, when the Dili massacre was shown around the world, we were reminded that this tragedy came more than 30 years after the United Nations took responsibility for East Timor's decolonization and 16 years after the Security Council specifically

> "Call[ed] upon the Government of Indonesia to withdraw without further delay all its forces from the Territory" *(Security Council resolution 389 (1976), para. 2).*

The petitioner withdrew.

The Chairman *(interpretation from Spanish):* I would remind petitioners that if they do not keep their statements brief, we run the risk that not all of them will be able to speak before the Committee.

I wish to inform the members of the Committee that the delegations of the Philippines and Sao Tome and Principe have requested to participate in the proceedings of the Special Committee's consideration of the question of East Timor. If there is no objection, I shall take it that the Committee accedes to these requests.

It was so decided.

At the invitation of the President, Mr. Allarey (Philippines) and Mr. Ferreira (Sao Tome and Principe) took places at the Committee table.

Requests for hearing

The Chairman *(interpretation from Spanish):* I wish to draw members' attention to *aide-mémoire* 19/94 Add.1 containing requests for hearing.

Mr. Nasier (Indonesia): Once again, my delegation would like to state its position on this issue.

With reference to the *aide-mémoire* of the Special Committee contained in document 19/94 of 7 July 1994 concerning requests for hearing from persons and organizations to appear as petitioners and speak about the so-called question of East Timor, I wish to convey the position of my delegation, which is as follows.

The process of decolonization in East Timor has been carried out in conformity with the provisions of the Charter of the United Nations and General Assembly resolutions 1514 (XV) and 1541 (XV), thus terminating the colonial status of the former Territory.

Consequently, the integration of East Timor into the Republic of Indonesia, as its twenty-seventh Province, was formalized on 17 July 1976, with rights and obligations equal to those of the other Provinces.

In this context, my delegation reiterates its firm view that the retention of the so-called question of East Timor in this Committee's agenda and the resultant granting of hearings to petitioners by this Committee would be unwarranted and, hence, unacceptable.

The Chairman *(interpretation from Spanish):* The reservations expressed by the representative of Indonesia will be reflected in the record of the meeting.

With that understanding, and if there are no further comments from the members of the Committee, may I take it that the Committee agrees to accede to these new requests for hearing?

It was so decided.

At the invitation of the Chairman, Ms. Consuelo Villanueva took a place at the petitioners' table.

The Chairman *(interpretation from Spanish):* I now call on Ms. Consuelo Villanueva of Amnesty International.

Ms. Villanueva (Amnesty International): Each year for the past decade, Amnesty International has come before this Committee to articulate its concern about human rights in East Timor. Each year our criticism has been directed principally towards the Government of Indonesia, whose policies and practices have been directly responsible for systematic human rights violations in the Territory for almost 20 years. This year we feel compelled to break with tradition. We address our remarks today not only to the Government of Indonesia but also to Member States of the United Nations who, in our view, share responsibility, both direct and indirect, for the long-standing human rights problem in East Timor.

Speaking before this Committee last year, we welcomed the adoption of a resolution on East Timor at the forty-ninth session of the United Nations Commission on Human Rights, and we expressed the hope that Member States of the United Nations would continue to press the Indonesian Government to carry out the concrete recommendations contained in that resolution. We believe that by doing so, and by insisting that the Government abide by international human rights standards, United Nations Member States could contribute significantly to an improvement of the human rights situation in the Territory.

Sadly, in the year and a half since that 1993 resolution was adopted, the international community has effectively turned its back on the reality of systematic human rights violations in East Timor. It has accepted uncritically the Indonesian Government's promises of commitment to human rights and "political openness". The emptiness of those promises has been brought home in recent weeks with the banning of three of the country's leading news magazines and by the use of repressive measures, including arbitrary detention and ill-treatment, to suppress those who have had the courage to speak out against them. Such measures may have come as a surprise to those eager to believe the Government's blandishments about the new climate of "openness", but they are nothing new to most East Timorese. Speaking in September 1993, the Catholic Bishop of East Timor, Dom Carlos Filipe Ximenes Belo, put it this way:

> "People are not allowed the possibility to speak differently, to hold a different opinion... They are also denied the fundamental right to express what they would like to be politically... The military say they don't beat anyone, that they respect the people, that they work for the prosperity of the people. But for me it is a pure lie. From 1983 till now I have heard only lies from them."

Many Governments, while publicly professing concern over human rights in East Timor, have continued to supply military equipment to Indonesia, equipment which could be used to commit human rights violations in East Timor. Others have provided military training to, or have conducted joint exercises with, Indonesian armed forces units well known for human rights abuse. And while some

Governments have linked economic assistance to human rights performance, most aid donors have steadily increased their level of aid to Indonesia. Nor have expressions of concern for human rights had any noticeable impact on trading patterns. The willingness of foreign Governments to conduct business as usual sends a clear signal that human rights take second place to economic interest.

The lack of concerted pressure from the international community has contributed to the perpetuation of a pattern of systematic human rights abuse in East Timor in the past year. Torture and ill-treatment have continued to be the centre-piece of a strategy for silencing real and suspected political opponents and for extracting political intelligence through intimidation and coercion. Extrajudicial executions have continued to be reported, while the fate of those killed or "disappeared" in past years has yet to be clarified. Following a well-established pattern, hundreds of alleged political opponents have been arbitrarily detained within the past year, and at least 23 are now serving terms of up to life imprisonment following unfair political trials.

Despite its stated commitment to the protection of human rights, the Indonesian Government has done little to investigate past violations and has failed to take significant measures to prevent their future occurrence. Military authorities continue to dominate the Government and to operate with considerable autonomy and with scant regard for human rights concerns. With rare exceptions, the perpetrators of human rights crimes have not been brought to justice, and, notwithstanding repeated Government claims of increased openness, access to East Timor remains limited.

The weakness of the international posture towards Indonesia was epitomized by the Consensus Statement read out by the Chairman of the United Nations Commission on Human Rights in March of this year. Despite the fact that the Indonesian Government had failed utterly to implement any of the concrete recommendations made in previous resolutions, in particular the Commission's 1993 resolution, the Consensus Statement praised the Government for unspecified "positive measures" it had taken towards the protection of human rights. The dangers inherent in such a weak statement have been grimly illustrated by evidence of continuing human rights violations in the past year. Indeed, far from encouraging the Indonesian authorities to improve their human rights practice, as some Governments claimed it would do, the Consensus Statement appears only to have encouraged them to preserve the status quo.

In Amnesty International's view, the Commission's Statement was defective in four important respects. First, it made no mention of the problem of torture and ill-treatment of political detainees, despite the fact that the systematic use of torture continued and that specific incidents of torture were reported by Amnesty International even as the Commission met. Also shocking was the Commission's failure to mention the recommendations made by the United Nations Special Rapporteur on torture following his visit to East Timor and Indonesia in late 1991. More than two years after that visit the Indonesian authorities had begun to implement only one of those recommendations. The Commission's failure to refer explicitly to torture or to the Special Rapporteur's recommendations has helped to ensure that nothing has changed. As the evidence appended to the Statement demonstrates, torture continues in East Timor.

Secondly, in its reference to East Timorese political prisoners, the Consensus Statement conspicuously avoided mentioning that more than 30 people have been imprisoned in the past three years for their non-violent political activities or beliefs, including six in the past year alone. It also failed to note that several hundred other alleged critics or opponents of Indonesian rule in East Timor have been subjected to short-term, arbitrary detention without charge or trial in recent years. Instead, it called lamely upon the Indonesian Government to ensure that prisoners would be "treated humanely" and that their rights would be "fully respected". The Commission appeared not to recognize that arbitrary detention is fundamentally inconsistent with the principles of humane treatment and respect for basic rights that it is entrusted to uphold. It also failed to note that, as a matter of principle, those detained for their non-violent political activities or beliefs should be released immediately and unconditionally.

Thirdly, with respect to the problem of extrajudicial executions and disappearances, the Commission's Statement conveyed a misleading impression of the extent and nature of the problem in East Timor. In acknowledging the efforts made to account for those persons missing after the Santa Cruz massacre, the Commission obscured the inadequacy of the Government's response. As Amnesty International reported during the Commission's 1994 session, the Government has provided clarification of the fate of only a small fraction of the estimated 270 dead and 200 "disappeared", and has attempted to disguise the inadequacy of its efforts by publishing information which is false and misleading.

Moreover, by focusing exclusively on those killed in November 1991 the Commission has lent credence to the Indonesian Government's claim that the massacre was an isolated incident, which did not reflect official policy or an established pattern of practice. The clearest evidence that the Santa Cruz massacre was not an isolated incident lies in the fact that scores of political killings have been reported in East Timor since 1991 - including at least 20 in the past year alone.

The Commission gave a seriously misleading impression of the human rights situation when it welcomed what it called a policy of expanding access to East Timor by international human rights and humanitarian organizations as well as the international media. The fact is that all delegations visiting East Timor continue to be kept under close surveillance, making genuine human rights monitoring difficult and potentially dangerous to those they contact. As the evidence appended to this statement makes clear, in the past year alone scores of East Timorese have suffered imprisonment, torture and ill-treatment because of their efforts to gather and disseminate information about human rights abuse in the Territory. Thus, while the Government's decision to invite the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions to visit East Timor in July 1994 was undoubtedly a positive step, concern remains that such obstacles and dangers will limit his ability to conduct a thorough and impartial investigation. Finally, it must be stressed that, notwithstanding assertions about "expanding access", some international human rights organizations - including Amnesty International - continue to be denied access to the Territory altogether.

Every year for the past decade Amnesty International has testified before this Committee in the sincere hope that it will be the last time. But it is only too clear that unless the Government of Indonesia takes immediate and concrete measures to address the root causes of human rights violations, and unless Member States of the United Nations apply concerted pressure on the Government to fulfil its responsibilities under international law, it will be necessary to return here for many years to come.

The petitioner withdrew.

The Chairman *(interpretation from Spanish):* If no member of the Committee wishes to speak, I wish to repeat our appeal to petitioners appearing today. Although they must make their statements as brief as possible, they must also speak at an appropriate speed, so that the interpreters may do their job properly. It becomes impossible to interpret if statements are delivered at a very high speed, as some have been this morning.

Each complete statement will be reproduced and will be available to all members of the Committee and the press as well as all members of the Secretariat. Therefore, we ask petitioners to try to select the part of their statement that they consider to be the most important and to read it out this morning at an appropriate speed, both so that the interpreters can do their job and so that everyone can exercise his or her right to speak in the Committee.

At the invitation of the Chairman, Ms. Sharon Scharfe (East Timor Alert Network/Canada) took a place at the petitioners' table.

The Chairman *(interpretation from Spanish):* I call on Ms. Scharfe.

Ms. Scharfe (East Timor Alert Network/Canada): My name is Sharon Scharfe and I represent the East Timor Alert Network/Canada (ETAN). ETAN is a grass-roots organization, with branches in 15 Canadian cities. ETAN is present at this Committee's hearings to add the concerns of Canadians relating to the ongoing tragedy in East Timor.

One of the activities ETAN pursues is lobbying the Canadian Government and Members of Parliament to bring a greater emphasis concerning human rights into Canada's foreign policy relating to Indonesia. There have been some successes, which I will briefly outline.

The Canadian Government has stated that human rights concerns are an integral part of its foreign policy. To this end, Prime Minister Chrétien expressed his concerns about human rights violations in East Timor when he met with President Suharto in Seattle in November 1993.

However, the clearest indication of Canada's expressed concerns has been reflected in its aid policies. After the 1991 Dili massacre the Canadian Government suspended three planned aid projects totalling $30 million. Last November Canada informed the Indonesian Government of its decision to remove these projects from its development programme. In May this year the Indonesian Government cancelled a Canadian aid project in Sulawesi totalling $38 million due to the strong human rights criticisms that were being raised by Canadian citizens concerning the Indonesian Government's genocidal actions in East Timor. These two cases are the best expressions of the fact that the Canadian Government is listening to the concerns of Canadian citizens.

I recently had the privilege of attending the Asia-Pacific conference on East Timor in the Philippines. While there, I spoke on the issue of human rights violations in East Timor in the context of those experienced by women. While I am not a Timorese woman, and I do not purport to speak on their behalf, I would like to take a moment or two to draw attention to some of my findings.

There are two categories where Indonesia's illegal occupation and genocidal actions have specifically affected women in East Timor, namely, those women who are actively resisting - that is, involved with FALINTIL - and those who are passively resisting. I will focus on the second category, passive resistance, which can be broken down into two sub-categories, the first being women who are directly affected and the second being women who are indirectly affected.

East Timorese women have been directly affected by Indonesia's invasion. Untold tens of thousands of women have been murdered, raped, sexually assaulted, tortured, kidnapped and forcibly sterilized. While it is impossible to speak of all the horrors that the women of East Timor have experienced, I will give a brief overview of some of the crimes experienced specifically by women.

There are many documented cases of women who have been forced to become local "wives" for the Indonesian military posted in East Timor. This has led to children being conceived, fathered by these imposed husbands.

Other women have been raped by Indonesian soldiers in front of their families. For Timorese people, worse than physical suffering was the moral suffering - the humiliation, the taking away of the dignity of the people. Many ask Indonesian officers "Don't you have mothers, sisters; don't you know what it means to be human?" Monsignor Martinho da Costa Lopes, a former parish priest and assistant to the Bishop in Dili, recounts:

> "People came knocking at my door in the day and the night, for years, whispering of terrible things. From 1975 the Bishop's residence was full of girls seeking refuge. In the Comarca prison were women who had all been raped and abused. They told me when I spoke with them. We heard constantly of young girls being abused by soldiers. The Indonesians often use Timorese not as people but as toys, young girls especially. They see a beautiful girl they want, then after they have used her they ignore what happens to her, like a child with a toy."

Many East Timorese women were raped and sexually assaulted while in custody, whether in the custody of the police or while being held in jail. Often such rapes result in pregnancy.

In 1985 a family planning centre funded by the World Bank was built in Dili. Already by that time 183 of the 442 villages in East Timor had family planning centres, and the programme most vigorously pursued in East Timor was the family planning programme of the Indonesian Government.

Contraceptive methods promoted in East Timor and elsewhere include condoms, the Pill, injection of hormones, IUD and implants, but in East Timor the use of injections - notably of Depo Provera - is proportionately greater than in Indonesia. It is not difficult to understand the relationship between population control as a target-based programme and the type of contraceptive promoted. Condoms and the pill are falling out of favour with the family planning agency because the effect depends on the decision of the individual, whereas IUDs and implants, which can only be inserted and removed by trained medical staff, are considered effective. "Effective" is synonymous with "low user control". The long-acting hormonal contraceptive implant Norplant, lasting five years, is termed a "most effective contraceptive", along with IUDs and sterilization.

The "informed consent" which is essential in any birth control programme, if it is not to be regarded as a human rights violation, is often not present, according to East Timorese nurses who have observed East Timorese women being injected and who have since emigrated to Portugal. These nurses say that in many cases the women are never even told that the injection they are being given is a contraceptive. In one specific case, high school girls were injected with Depo Provera without their knowledge.

It is very difficult to refuse to take part in these programmes, because village leaders are urged to cooperate, and in some cases they are imposed as the norm where local clinics for birth control are under the supervision of the military. It is nearly impossible for women in East Timor to protest forced birth control. The villages of East Timor are under the de facto control of the Indonesian military, and to protest against forced injections is to lay oneself open to execution or disappearance.

The World Bank official who was responsible for the birth control programme in East Timor stated that

"Although at the beginning of the programme there may have been excesses or cases of force, now the Indonesian health officials are carrying out proper guidance".

The non-governmental Indonesian Family Planning Association has said that it does not have a project in East Timor because "the conditions are not present for carrying out family planning".

Given that over 200,000 East Timorese have been killed since Indonesia invaded in 1975, it is impossible for the Indonesian Government to state that there is a problem of overpopulation. In fact, the genocidal policies of Indonesia have been so effective that in 1989 the United Nations presented the United Nations population award to President Soeharto.

Another effective method for keeping the birth rate in East Timor to a minimum is having hospital staff kill newborn babies because the child's parents are suspected of belonging to FRETILIN. As a result of these and other abuses by hospital staff, it should be noted that many East Timorese, male and female alike, prefer the clinics run by the sisters over the horrors of the hospitals. In East Timor, people say, "We go to the hospital to die". They cannot trust or depend on the hospitals.

The second category I have identified relates to women who have been indirectly affected by Indonesia's illegal occupation. They include women whose husbands, children, parents, other relatives and friends have been killed or tortured or have disappeared. This was reiterated in a recent letter written to Hillary Clinton by a group of mothers in East Timor. I will be brief on this topic owing to time constraints. Just one example of these indirect abuses relates to the Indonesian military, which kidnaps male East Timorese children and takes them back to Indonesia to act as servants.

What is happening in East Timor is in direct contravention of many international conventions. These include the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Elimination of All Forms of Discrimination against Women, which Indonesia has ratified, the United Nations Charter, the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights and, most relevant to the Special Committee, the Declaration on the Granting of Independence to Colonial Countries and Peoples.

Given that the people of East Timor have been subjected to alien subjugation, domination and exploitation for almost 19 years by the illegal presence and genocidal actions of the Indonesian military, which constitutes a denial of fundamental human rights, and given the human rights violations that have been occurring systematically against women in East Timor during this time and continue unto today, the East Timor Alert Network/Canada calls upon the Special Committee on decolonization to send a special mission to East Timor to obtain first-hand information on these abuses. Such a mission should be carried out in conjunction with the Government of Portugal, which is the United Nations-recognized administering Power of East Timor.

East Timor is the largest Territory on the Special Committee's agenda of Non-Self-Governing Territories. Only when the Indonesian military has pulled out of East Timor and that State is given the right to a free and fair vote will the women of East Timor begin the long-overdue healing process.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Kan Akatani (Japanese Catholic Council for Justice and Peace and Free East Timor Japan Coalition) took a place at the petitioners' table.

The Chairman *(interpretation from Spanish):* I call on Mr. Akatani.

Mr. Akatani (Japanese Catholic Council for Justice and Peace and Free East Timor Japan Coalition): I am an advisor to the Japanese Catholic Council for Justice and Peace and the alternate United Nations representative of the International Federation of Non-Governmental Organizations for East Timor. I shall read out two statements, one on behalf of the Japanese Catholic Council for Justice and Peace and the other on behalf of the Free East Timor Japan Coalition.

I shall first read out a statement from Aloisius Soma, former Bishop of Nagoya and former President of the Japanese Catholic Council for Justice and Peace. That statement reads as follows:

"Some 19 years have already passed since Indonesia, in violation of international law, invaded East Timor. Although the East Timor issue has drawn international attention since the deplorable Santa Cruz massacre of three years ago, when one asks whether

Indonesia is trying to change its policies towards East Timor, the answer has to be a clear no. Although on the surface, and temporarily, Indonesia may be adopting a 'more open' policy towards East Timor, the information reaching our Council from East Timor is that the pressure of the military on citizens at large and on the Catholic Church is only increasing, and that 'Indonesianization' is moving with greater acceleration through such measures as emigration, so that a solution in line with international law is called for at the earliest possible time.

"I attended the Asia-Pacific Conference on East Timor held at the University of the Philippines in Manila between 31 May and 4 June of this year. I believe that many members are aware of the what happened at that conference. The Philippine Government, under pressure from the Indonesian Government, issued 'Refusal of Entry' to many foreign participants in the conference. I, too, was refused the right to board the Pakistan International Airways plane at the scheduled time of departure. Fortunately for me, Jaime Cardinal Sin of the Philippine Catholic Church interceded on my behalf with the Philippine Government and made my attendance possible. I wish to use this occasion to express my sincere appreciation and admiration for my Catholic colleagues in the Philippines for taking the course of justice under incredibly intense political pressure.

"The Conference, on its last day, passed 18 resolutions, in the most important of which the Conference called for the release of Xanana Gusmao and all political prisoners and for Xanana's participation in negotiations to resolve the East Timor situation; advocated an immediate cease-fire, the complete demilitarization of East Timor, and a fair and honest referendum under the supervision of the United Nations; supported the CNRM's peace proposal and other East Timorese groups' initiatives for genuine self-determination; requested the Commission on Human Rights Special Rapporteur on torture to consult women in East Timor regarding atrocities against women and sexual violence and rape by the Indonesian military in East Timor; condemned Indonesia's forced birth control and aggressive family planning programme in East Timor; extended its solidarity to the women of East Timor; urged the Indonesian Government to uphold its own promise to allow expanded access to East Timor for human rights and humanitarian organizations, the media, and United Nations special rapporteurs; expressed support for the pro-democracy movement in Indonesia; recognized East Timor as a sovereign people and nation; and affirmed its commitment to help in the struggle of the Maubere people for genuine liberation in any way it can.

"At the Conference I made a joint appeal for East Timor on behalf of the participants from the Asia-Pacific region. I appealed to Indonesia to resolve the East Timor issue peaceably, as soon as possible, in line with the ideals expressed at the time of Indonesia's founding and the principles of the United Nations. I added that

> 'When the people of East Timor achieve their independence, they do not want to be opposed to Indonesia as an enemy, but wish to create friendly and peaceful relations with Indonesia'.

"And addressing the United Nations, I asked the Organization to carry out its work in decolonization, which is one of its ideals, with even greater vigour than heretofore, and to convince Indonesia that the liberation of East Timor, although it is a small country of Asia, was important to the world and to Asia."

In conclusion, I crave the Committee's forgiveness in touching on a personal matter. At the present time, I am a retired bishop and have been relieved of all ecclesial duties. However, I wish to say that I intend to exert all my efforts from now on so that my sisters and brothers in East Timor can attain true happiness. I gather than Jaime Cardinal Sin, the Primate of the Philippines, deplored the undemocratic and inhumane action taken by the conference on East Timor and conveyed them to Bishop Belo in East Timor.

In the resolution of the East Timor question, the time has come to do away with all manner of political and religious manoeuvring. The time has come for the United Nations to recognize anew that it is its true function to push for the resolution of this question.

I wish to close my statement by asking the United Nations to exert their best efforts towards that end.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Hideshi Kajioka (Free East Timor Japan Coalition), took a place at the petitioners' table.

Mr. Kajioka (Free East Timor Japan Coalition): It is an honour to address this Committee, a Committee overseeing one of the most important tasks for which the United Nations was founded, the decolonization of territories under colonial rule.

As the fiftieth anniversary of the establishment of the United Nations approaches, it is the deep-felt hope of my organization that all the territories that fall within the Committee's mandate be able to exercise their right to self-determination as expeditiously as possible. Certainly in the case of East Timor, failure to achieve this goal would be a betrayal of the principles upon which the United Nations rests and a cruel denial of justice to the people of East Timor.

It is the belief of my organization that public opinion can play a positive role in support of the work of the United Nations to find a solution to the East Timor issue. Therefore, this May, the Japan Coalition invited British journalist Max Stahl to publicly report on his findings from a three-month visit to East Timor in the latter part of 1993. His findings regarding a "second massacre" in Dili after the shooting of mourners at the Santa Cruz cemetery were presented by an eyewitness at the meeting of the Commission on Human Rights in March of this year and in "Death of a Nation", a TV documentary shown in a number of countries. I will therefore present some conclusions from these disclosures that I believe are particularly relevant to us here today.

In contrast to the gunning down of mourners at Santa Cruz cemetery by uniformed soldiers of the Indonesian armed forces, many victims of the "second massacre" are believed to have died at the military hospital in Dili after being given a powerful disinfectant, paraformaldehyde, in pill form, with the knowledge of Indonesian doctors. Two survivors described some of the symptoms that resulted from taking the pill, and those symptoms were later confirmed by a specialist in London who analysed a tablet of the exact type administered in the Dili hospital: burning sensation in the chest, dizziness, lethargy, ataxia and coma. When death occurs, it is attributed to circulatory collapse.

A Timorese lab technician who witnessed soldiers administering the pills to the wounded who lay in the hospital morgue asserts that the pills could not have been released without orders from the Indonesian medical personnel. Since there is no benign medicinal use for this drug, Mr. Stahl said:

> "it is clear that the soldiers and assistants who administered them and the authorities who released them from the medical stores did not do so to help the wounded, almost certain that they believed they would kill or assist them in the process of finishing off the wounded who had been sent to the morgue".

Throughout the orgy of killing and abuse of the wounded, hospital director Dr. Nyoman Winyata and a junior doctor on six months' national service were in attendance in the hospital, within sight and supervising proceedings, according to the witness.

If it is possible to say, as some do, that the shooting of mourners at the cemetery was an aberration or an overreaction to provocation, it is certainly not possible to say the same for the action of the medical staff of the military hospital who helped to finish off the survivors. Mr. Stahl drew a comparison with the Nazi doctors who administered disinfectants to Jewish victims, whom the doctors regarded as "vermin". One is also reminded of the Japanese doctors of the infamous "Unit 731", who felt no compunction about performing unspeakably cruel experiments on live, Chinese, Russian or Korean "logs", as they called their victims.

This is not the first report of Indonesian medical personnel in East Timor collaborating in the murder of East Timorese, but time does not allow me to go into detail here. What I wish to point out is that, as with the Nazi and Japanese doctors, it is evidently the perception that the victims are essentially different from the doctors themselves that psychologically allows the doctors to collaborate in their murder. Yet when Indonesia seeks to justify its presence in East Timor, it asserts, in a manner similar to the argument Imperial Japan used to justify its colonial rule in Korea and Manchuria, that the East Timorese are brothers. Hard reality gives the lie to this assertion.

Another point which should be kept in mind is that for fully two and a half years after these events, no international body has gone to that hospital to conduct an investigation. One has never heard even a suggestion that the medical personnel involved will be brought to justice. When some reporters tried in February of this year to interview Bishop Belo about the second massacre, they were prevented from meeting him. Instead, a Father Marcus Wanandi, an Indonesian priest whose brother has been one of the key strategists in Indonesia's invasion and

occupation of East Timor, met the journalists and told them that the events described were not true.

After an excruciatingly long process, the Commission on Human Rights succeeded in sending its Special Rapporteur on summary and arbitrary executions to East Timor. I believe he is there at this very moment. All concerned are to be commended for achieving this visit, but the fact that it has taken so long for even this modest step indicates the extent to which the occupying Power in East Timor considers itself free to do whatever it likes to the long-suffering Timorese without fear of serious international censure. And it should be noted that the authorities have been preparing for the Rapporteur's visit by, among other things, moving political prisoners from Dili to the island of Java to make sure that the Special Rapporteur does not have contact with them.

Indonesia takes pains to persuade the world that it is improving the situation of the people in East Timor, but the above examples show that as long as the East Timorese are forced to live under foreign occupation, there can be little hope for a fundamental improvement in their lot.

Colonialism is an affront to the human dignity of the colonized but, as the past 19 years all too graphically show, it also brings out the worst characteristics in the colonizers. Many Indonesian people are beginning to learn about the indignities and atrocities that the East Timorese have suffered under the Indonesian occupation and are ashamed and angered. Some are speaking out against the occupation at risk to their own safety. I believe that, for the majority of Indonesians, the liberation of East Timor will bring to an end a very sad chapter in their country's history and be greeted with tremendous relief. In the case of South Africa, the untiring struggle over decades, led by the United Nations, against the apartheid system, resulted in a victory which has ushered in an era of hope for blacks and whites alike. There is no reason why the United Nations cannot achieve a similar success in East Timor if it has the will to do so.

The petitioner withdrew.

At the invitation of the Chairman, Mrs. Ingela Martinsson (Parliamentarians for East Timor) took a place at the petitioners table.

The Chairman *(interpretation from Spanish):* I call on Mrs. Ingela Martensson.

Mrs. Martensson: Thank you, Sir, for giving Parliamentarians for East Timor the opportunity to express its concern with the ongoing illegal occupation of East Timor. My name is Ingela Martensson and I am a Member of the Swedish Parliament and an active member of the human rights group in Parliament. I am also a member of the board of the United Nations Association of Sweden, one of whose priorities is the question of East Timor.

It is an honour to be able to address the Special Committee on decolonization, which has taken upon itself the noble task of eradicating colonialism by the end of this decade. Parliamentarians for East Timor is an international organization comprised of more than 200 Members of Parliament from over 20 countries.

I am glad to be here today on behalf of this organization. I was especially asked by the organization to come here today because I was in the Swedish parliamentary delegation that visited East Timor and Indonesia in September last year. Our visit was the first visit by parliamentarians since the Santa Cruz massacre, when Indonesian Government troops opened fire against a peaceful demonstration and approximately 275 East Timorese were killed. Based on my first-hand experience from visiting East Timor, I wish to draw members' attention to the following concerns of both myself and Parliamentarians for East Timor.

It should be noted that there was no criticism by the Indonesian Government of our visit while we were in the country. The criticism came afterwards, when we publicly told of our experience. I wish to stress that we were visiting as observers and individual members of the Swedish Parliament and were not officially sent by the Swedish Government or Parliament. The Indonesian Government does agree that respect for human rights is a universal matter, but in practice it does not accept international criticism about violations of human rights. As long as Indonesia still refuses to approve and ratify the Convention relating to human rights, it is necessary to increase observation and criticism of the Indonesian regime.

In Indonesia, and especially in East Timor, the oppression is tremendous. The East Timorese people are living as if in a prison, observed by the military and the police. There are approximately 10,000 Indonesian soldiers in East Timor and about 3,000 police. Some sources say that there are 14 battalions and that the number of soldiers is as high as 14,000 to 15,000. The Vice-Military Commandant claimed that the troops mainly occupied themselves with the building of roads, villages and houses

for the population. The aim of this was to move the Timorese to the agricultural areas.

Our suggestion is that it would be more economical and rational to allow professional civilians to build roads and housing. Of course, this was a difficult question for the authorities to answer. The true explanation is that military and police forces are all part of the enormous oppression apparatus against the country's Timorese inhabitants. The new roads have fulfilled an important military function in the fight against the guerrillas. The military forces have built approximately 5,000 houses. Some 40 new villages have been established in various parts of the country. On the first day of our visit to East Timor we visited one of these villages, a little more than one hour from Dili by car. It reminded me of the so-called strategic or collective villages that I have seen in northern Iraq. There is no doubt that the majority or maybe all of the inhabitants would like to return to their own villages.

It was impossible for us to speak to the people in the street in Dili, because we were followed all the time by security police or military persons. But we had the opportunity to meet with the head of the Catholic Church in Dili, Bishop Belo. He has been the Bishop for the past 10 years and can be considered the voice of his people. He is a very courageous man in a most repressive society. Bishop Belo told us that the harsh treatment of those who do not recognize Indonesia's authority over East Timor has intensified. He also told us that he has received letters and information from prisoners and ex-prisoners about different kinds of torture. Bishop Belo stated that the situation with regards to human rights has simply not changed. He said that a total withdrawal of the Indonesian troops is absolutely necessary.

The Bishop feels that the meetings with United Nations Secretary-General Boutros Boutros-Ghali are important, but that the East Timorese people should be represented in the talks, as they are the party most concerned in this issue. These representatives should not be picked out by the Indonesians but by the people of East Timor. Bishop Belo had suggestions about East Timorese persons who could take part in the negotiations. He was also willing to participate himself if the church agreed.

Another question of great concern is the imprisonment of Xanana Gusmao. He is a symbol for the East Timorese resistance. He rejects Indonesia's claim that it has integrated East Timor into Indonesia. He denies that he has been or is an Indonesian citizen. Gusmao is now serving a 20-year prison sentence. Along with my colleagues, I applied for permission to visit with Gusmao. Unfortunately, it was not possible, though we had a conversation with two judges at the court in Dili where Gusmao was tried.

I should like to add that one of the MPs on our delegation is a very experienced lawyer with a special interest in human rights. After interviews with these judges and other authorities, and after studying certain written documents, our conclusions were as follows:

The verdict seems to have been preceded by conclusions and judgements which were made by other authorities in Jakarta and Dili. The method of trial used was not in accordance with the rights of the accused and did not comply with the international standards for a just and correct trial, neither did the trial comply with the Indonesian laws for criminal trials. The violations against Gusmao started immediately after the arrest. No lawyer was present during the police and military interrogation. The claims of the Indonesian authorities that Gusmao did not wish any lawyer to be present do not seem to reflect the expression of his free will.

And these claims do not seem convincing when one considers the outcome of the case. A defence lawyer was later assigned to the case, but it is well known that he has close contacts with leading Indonesian military figures, and his actions did not seem to be in Gusmao's best interests. The two judges we talked to could not give a clear answer on whether or not Gusmao had been given a lawyer of his own free choice.

The trial was public, but international observers were not given the opportunity to look at any documents on the matter. We asked to be allowed to look at the court files - the unconfidential sections - but this request was refused, and it was explained that the entire file had been sent to Jakarta. There were no copies of the file left at the court, which is exceptional.

The court's refusal to allow Gusmão to present his own defence is not only against Indonesian law but also in conflict with international standards and conventions. Many of the witnesses who appeared at the trial were themselves prisoners, either after their sentencing or prior to their own trials. There seems to be doubt about how voluntary the witnesses' accounts were. It was a large handicap for the witnesses to know that what they said at the trial might be used against them at their own trials later on. However, the fact that the so-called anti-subversive law was not used against Gusmão was positive. But, on

the other hand, strong objections could be made - and were made - against the application of Indonesian laws and trial procedures. This is not in compliance with international standards, as Indonesia's authority over East Timor has not been internationally recognized by the United Nations.

Because of all these faults, Parliamentarians for East Timor feels that the judgement against Gusmão cannot be accepted. He should therefore be set free immediately and guaranteed a sanctuary of his own free choice.

Parliamentarians for East Timor had a meeting with Secretary-General Boutros Boutros-Ghali on 3 February this year. I had the privilege to participate in that meeting. I should like to reiterate here some of the issues that our organization raised that are applicable to the considerations of the Special Committee.

Since the breakdown of the arrangements for a visit to the territory by Portuguese Parliamentarians in November 1991 and the Santa Cruz massacre that same year, there have been four meetings of the Foreign Ministers of Portugal and Indonesia under the Special Committee's auspices. No progress has been made in addressing the issues of principle dealt with in the resolutions of the Security Council and the General Assembly.

The Indonesian Government has stuck to its position, as was said here this morning, that the annexation of the Territory was validated by the vote of the Regional Popular Assembly of 31 May 1976 and that the process complied with the requirements of General Assembly resolution 1541 (XV) of 1960. It claims that in the capital, Dili, the members of that Assembly were chosen on the principle of one man, one vote, and elsewhere they were appointed

> "in accordance with the tradition and identity of the people of East Timor".

There is no evidence that any elections were even held in Dili. According to many Timorese who were there at the time, all 37 members of the People's Assembly were hand-picked by the occupying forces. The conditions for a free and fair election in Dili did not exist, since many of those who would have been eligible to vote had fled into the countryside and the town was under military occupation.

Parliamentarians for East Timor notes with satisfaction that in January 1994 the Secretary-General instructed a team of Secretariat officials led by Director of Political Affairs Francesc Vendrell to visit Lisbon, Jakarta, East Timor and Australia to work out an initiative that would pave the way towards solving the core issue of self-determination. We welcome the fact that in Lisbon, Jakarta, East Timor and Australia the mission held meetings with East Timorese groups to hear their views. In particular, we were delighted to know that the mission held private consultations with the jailed East Timorese resistance leader Xanana Gusmão. This mission signals for the first time a move by the United Nations to consult East Timorese opinion, as required by resolution 37/30.

The East Timorese people have suffered from war and foreign occupation for nearly two decades. It is high time the United Nations took concrete initiatives to bring an end to their suffering in the short-term in a way that will lay the basis for resolving the core issue of self-determination. Parliamentarians for East Timor feels that the time has come for specific moves to pave the way for a formal act to assess the views of the people regarding their future. To this end, we recommend the following:

First, the Secretary-General should formally propose to all parties concerned the withdrawal of the Indonesian armed forces from the Territory and the holding of a referendum under strict international supervision, in accordance with the resolutions of the General Assembly and the Security Council. He should also propose the establishment of a temporary administration in the Territory to ensure that the registration of electors is conducted properly and that freedom of expression and of assembly is observed during the period leading up to the referendum.

Secondly, pending moves to deal with the core issue of self-determination, it is proposed that the United Nations establish a permanent presence in East Timor under the direct supervision of the Office of the Secretary-General, for the following purposes: to oversee the demilitarization of the Territory and the removal of all heavy weapons and military equipment; to enable the United Nations specialized agencies to take care of the humanitarian needs of the people; to monitor the human rights situation in cooperation with the East Timorese church and independent Indonesian human rights non-governmental organizations, such as the Legal Aid Foundation; and to restore, to the people of East Timor [freedom of assembly, freedom of association and freedom of expression].

It is recognized that the Indonesian Government will not take to these ideas immediately, but over the 18 years since the invasion, the absence of any sign of determination to uphold the principles of the United Nations Charter and of the Declaration on the Granting of Independence to

Colonial Countries and Peoples has been a serious hindrance to progress.

In summary, it is recommended that the Special Committee, in conjunction with the Secretary General, first make it clear to the Indonesian authorities that their compliance with the terms of the 1994 Chairman's Consensus Statement of the United Nations Commission on Human Rights represents an important and needed confidence-building measure, as an expression of their good will and recognition of the wishes of the international community; secondly, impress upon the Indonesian authorities the need to allow free and unfettered access to the Territory for parliamentarians and journalists as well as for human rights organizations, in particular Amnesty International and Asia Watch; thirdly, urge the Indonesian authorities to release unconditionally all East Timorese political prisoners, whether tried or not; and last but not least, press for the annulment of the manifestly unfair trial of resistance leader Xanana Gusmão and to secure his release so that he can play his rightful part in consultations to reach a solution to the question of East Timor.

However, respect for human rights is not enough. The people must be allowed to choose their own future.

East Timor is the largest Territory left on the agenda of this Committee. The only reason it is still there is the intransigence of the Indonesian dictatorship. Ultimately, the solution will come from the people of Indonesia, many of whom have no wish to cling to East Timor. If Indonesians were allowed a real democracy, with all people free to speak their minds, I expect that East Timor would soon be free.

Finally, I ask that this Committee also listen to the Timorese voices that are pleading for their rights. The Special Committee on decolonization has an opportunity today to take a step towards freedom for another colonized Territory. I hope that it will take that step and help end the suffering of the East Timorese people.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Thomas S. Mahedy (Pax Christi International) took a place at the petitioners' table.

The Chairman *(interpretation from Spanish):* I call on Mr. Mahedy.

Mr. Mahedy (Pax Christi International): Pax Christi International would like to thank you, Mr. Chairman, and the other members of the Special Committee of 24 for this opportunity to present an intervention on the question of East Timor. Pax Christi International, the international Catholic peace movement, appreciates your efforts in working with the interested parties to implement the Committee's mandates.

The Universal Declaration of Human Rights, General Assembly resolution 1514 (XV) of 14 December 1960 on decolonization, and Security Council resolutions 384 (1975) and 389 (1976) provide a basis for working for specific human rights, including the right to self-determination.

The United Nations Commission on Human Rights continues to make recommendations to investigate and prevent abuses against the Timorese people, including recommending use of the United Nations Special Rapporteur on torture.

Pax Christi International supports all these United Nations efforts, including the use of the Secretary-General's good offices to achieve a just, comprehensive and internationally acceptable settlement of the question of East Timor.

Human rights organizations and all other involved parties have a role to play in this process. Amnesty International's 16 February 1994 report, *Fact and Fiction: Implementing the Recommendations of the United Nations Commission on Human Rights*, provides valuable documentation. It includes a 14 January 1994 letter from Bishop Carlos Felipe Ximenes Belo of Dili, to a friend. He wrote:

> "With this letter I would like to let you know that torture continues in East Timor. On January 4, 1994, in Dili, the military were waiting for a young man named Salvador Sarmento, who is a student at the Pastoral Institute. When he left the classroom they took him, stuck him in a military vehicle, and took him to a place where he was kicked, beaten, tortured until he was almost dead. Then they forced his parents, who are illiterate, to declare that they had seen their son participate in subversive meetings. With these kinds of injustices, they want to force a declaration that Father Sancho Amaral is a priest who is against Indonesia."

In a Pax Christi International intervention at the 50th meeting of the United Nations Commission on Human

Rights, on 18 February 1994, we reported that witnesses interviewed by Mr. Max Stahl testified that survivors of the 12 November 1991 Dili massacre were killed after being taken to Wira Husada military hospital. The massacre has yet to be fully investigated.

Pax Christi calls for the release of all East Timorese political prisoners, including Xanama Gusmão.

While a long-term solution in East Timor continues to be debated, initiatives can and must provide a foundation for mechanisms to deal with self-determination issues. Initiatives could include the honouring of commitments agreed to at the United Nations Commission on Human Rights; access by United Nations special rapporteurs, working groups and specialized agencies; freer access to East Timor by international and human rights groups; dialogue with Governments, non-governmental and intergovernmental organizations; reductions in military personnel; and implementation of all international human rights instruments. United Nations- sponsored dialogue should continue, but any serious proposal must include the Timorese people in the negotiations.

Let us work together in open and courageous dialogue to establish mechanisms to respect the religious and cultural traditions of the East Timorese people and to protect their social, economic and political rights, including the right to self-determination.

The Chairman *(interpretation from Spanish)*: I thank Mr. Mahedy for his brevity, which will enable other petitioners to speak.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Charles Scheiner (East Timor Action Network/United States) took a place at the petitioners' table.

The Chairman: *(interpretation from Spanish)*: I call on Mr. Scheiner.

Mr. Scheiner (East Timor Action Network/United States): My name is Charles Scheiner, and I am coordinator of the East Timor Action Network in the United States. I am also the United Nations representative for the International Federation for East Timor, a non-governmental organization affiliated with the Department of Public Information.

Today I am addressing the Committee on behalf of the East Timor Action Network. We appreciate the Committee's taking the time to listen to us, and to other non-governmental organizations and individuals speaking here today. Over the past year several organs of the United Nations have shown an increased interest in non-governmental views on the situation in East Timor, and especially in hearing from the East Timorese people themselves. This is a positive development, and we hope that the perspectives and information gained from such meetings will help the United Nations move the process of decolonization to a successful and rapid conclusion.

The East Timor Action Network was formed a little over two years ago, following the mass murder outside the Santa Cruz cemetery in Dili. But the Indonesian military's killing and its occupation of East Timor have been going on for nearly two decades. We fervently urge the Committee to help push the Indonesian Government into serious negotiations - beyond talks for appearance sake only. The three-stage peace plan advanced by the National Council of Maubere Resistance is an excellent framework to move the discussion process along. We urge that they and other genuine representatives of the East Timorese people be included in the negotiations between Indonesia and Portugal.

We realize that it will not be easy to move Jakarta. The recent banning of three major news weeklies in Indonesia, combined with a wave of repression against labour activists and heightened arrests and terror against the East Timorese, demonstrate that the Jakarta Government is feeling both international and domestic pressure. Unfortunately, it is responding by killing the messenger, by trying to suppress discussion and hide unpleasant realities. But cosmetics are no cure for cancer.

Last month I had the privilege of attending the Asia-Pacific Conference on East Timor, held in Manila. Although Indonesia coerced the Philippines Government into excluding several East Timorese leaders and world-renowned advocates for peace and human rights, more than 50 foreigners met with over 200 Filipinos for five days, discussing how to achieve self-determination and other human rights for the people of East Timor.

We had a very productive conference, despite the clumsy efforts of the ex-generals in Jakarta and Manila to prevent it. And what would have been just another calm discussion of East Timor, such as we are having here today, became a world-class news event because the blatant actions of the two Governments so violated the norms of

accepted civic behaviour. The casual observer could not but ask "What are they trying to hide?"

This Special Committee knows what they are trying to hide. It, as well as other United Nations bodies, have heard 19 years of testimony and petitions from the East Timorese people and others attesting to the gross inhumanity of the Indonesian genocide and occupation. Special rapporteurs and envoys of the Secretary-General have gone to East Timor and reported on their findings; one was there just this week. Although today's hearing will add some more information to the inventory, we hope that it will do more than that.

Action is the middle name of the East Timor Action Network, and we urge the United Nations to take some, for only the United Nations has universally recognized standards by which to measure political and human rights, standards the Indonesian Government has legally agreed to uphold. It is time to enforce those standards. East Timor should not have to start a third decade under Indonesian military rule.

During the past year the East Timor Action Network has grown to more than 1,500 members, and we have 15 local groups around the United States. We are working to educate Americans to change United States policy, to change the disgraceful role played by the United States Government in arming and supporting the Indonesian occupation since 1975.

It would be overly optimistic to say that United States policy has turned around; rather, it is in flux. Some in the Administration and in Congress defend the status quo and are reluctant to say anything that Indonesia might find uncomfortable. They are afraid of affecting American companies' profits from trade, mining and weapons sales in Indonesia.

But an increasing number feel differently. They know that the violations of human rights and the continued denial of self-determination for East Timor are so blatant that it is inhuman to continue with business as usual. I would like to cite several events that have happened since last year's session which illustrate that point.

Since 1992, Congress has prohibited all United States military aid to Indonesia; this was in the form of Indonesian soldiers coming to the United States for training. Although the State Department has tried to circumvent that ban by having Indonesia pay for the training, the House of Representatives passed legislation last May that closes this loophole, and the legislation is pending now before the United States Senate.

Last July, the United States State Department refused to allow the resale of four United-States-made F-5E fighter planes from Jordan to Indonesia, in response to public and congressional pressure about East Timor. And when Presidents Clinton and Soeharto met in Tokyo last July they discussed East Timor, and they discussed human rights in Indonesia.

Last autumn, the Foreign Relations Committee of the United States Senate unanimously approved Senator Feingold's amendment, which would link arms sales to Indonesia to human rights concerns in East Timor. Although the bill that included that amendment never reached the full Senate, this marks the first time that Congress has linked arms sales to human rights for a specific country.

Over the winter, the Clinton Administration conducted an extensive interagency policy review, and has decided to deny licenses for exports by the United States of light arms to Indonesia. Washington feels that these are the weapons that have been used recently to kill people in East Timor.

Just two weeks ago the Senate Appropriations Committee approved legislation that would prohibit the use in East Timor of all lethal weapons purchased by the Indonesian Government from the United States Government. Although this was defeated on the Senate floor, it represents an increase in the willingness of Congress to openly confront Indonesia. There will be further activity in the Senate this week or next.

Other legislation approved by congressional committees would challenge United States support for multilateral loans and non-humanitarian aid for countries with excessive military involvement in their economies or which falsely report their military spending. Indonesia has been cited as the principal illustration of these problems.

The Indonesian Government places a high priority on getting the United States Government to overlook its repressive practices. Last April, the Asia Society hosted a conference on the United States-Indonesia relationship, which was underwritten by major mining and banking interests and which featured Foreign Minister Ali Alatas, more than 30 visitors from Indonesia and the entire Indonesian diplomatic corps in the United States. This was the beginning of an ongoing campaign to revamp the American people's perceptions of Indonesia.

Most of the people at that conference seemed to feel that the problem is image, not substance. Few of them seemed able to comprehend that it is wrong to kill people or to deprive them of their basic political and human rights, even if this has no effect on the bottom line.

I would like to close by quoting an American political leader with long service to his Government and with long involvement in the East Timor issue. Daniel Patrick Moynihan is now a Senator from New York, but he was the United States Ambassador to the United Nations in 1975 and 1976. In a book he wrote, he boasted that after Indonesia invaded East Timor,

> "The United States wished things to turn out as they did, and worked to bring this about. The Department of State desired that the United Nations should prove utterly ineffective in whatever measures it undertook. This task was given to me, and I carried it forward with no inconsiderable success".

Senator Moynihan has since had a change of heart. Last March, he wrote to constituents:

> "I share your concern for this long-standing violation of the Charter of the United Nations and for the human rights abuses which Indonesian troops continue to commit. Even Indonesia concedes that the people of East Timor have the right to self-determination, and yet it refuses to permit them to exercise that right. And the killings continue, as when Indonesian troops slaughtered participants in a peaceful march at the Santa Cruz cemetery near Dili in 1991.
>
> " ... The time has long since come for the United States to take a tougher approach with the Indonesian Government".

I hope that my Government listens to the words of former-Ambassador Moynihan, and that others who have been involved since 1975, especially in Indonesia, can follow his example.

The situation in East Timor - as we so glibly call two decades of invasion, occupation, genocide, murder, rape, torture and terror - will only be resolved when politicians and diplomats step back from their hardened positions and consider inalienable human rights and international law as something more than a problem to be explained away.

Ambassador Moynihan has done that. We hope that Foreign Minister Alatas and President Soeharto can do so as well. This Committee and the entire United Nations bear a major responsibility to advance the process of changing Jakarta's position so that the East Timorese people can finally decide their own destiny in peace.

The petitioner withdrew.

At the invitation of the Chairman, Mr. José Maria Albuquerque (Agir pour Timor) took a place at the petitioners' table.

The Chairman *(interpretation from Spanish):* I call on Mr. Albuquerque.

Mr. Albuquerque (Agir pour Timor) *(interpretation from French):* My name is José Maria Albuquerque, and I am here on behalf of the group Agir pour Timor. Founded in 1990, Agir pour Timor is a French organization whose purpose is to defend the right of the people of Timor to self-determination. We submitted petitions to the Committee in 1991 and 1993.

Traditionally, knowledge of the question of East Timor has not been widespread in France. Our initial priority was therefore to alert public opinion, the media, non-governmental organizations and prominent individuals in France, and to keep them regularly informed of developments.

From the start, our activities resonated mainly among the Portuguese community of France, the largest expatriate Portuguese community in the world. But other organizations have been devoting increased attention to this question, and this year I can inform the Committee of an initiative bringing together 12 French non-governmental organizations: the Four Months for East Timor campaign.

Launched in March 1994, this campaign was intended to train a spotlight on East Timor prior to the meeting of the consultative grouping on Indonesia, which was held in Paris last week. Apart from our association, the participating organizations are Peuples Solidaires, an organization of solidarity with peoples of the South; France Liberté and the Fondation Danielle Mitterrand; the Fédération Internationale des Droits de l'Homme; CIMADE, an organization of international solidarity; Justice et Paix; Réseau d'Information Tiers-Monde; CRID, a collective bringing together 35 development and solidarity non-governmental organizations; Coordination des Collectivités Portugaises de France; Syndicat National de

l'Enseignement Secondaire; Fédération Syndicale Unitaire; and the Confédération Générale du Travail.

Allow me to elaborate on the concept of this campaign. General thrusts have been decided upon, but each organization decides on its own *modus operandi* on the basis of its own sensitivities and its material possibilities. At a minimum, each organization has published in its liaison bulletin an article on East Timor; some have called on the activism of their members to heighten public awareness or to raise funds for Timorese students in Indonesia; and still others have questioned the Indonesian Embassy or have intervened through press conferences.

But the campaign in itself has also carried out information work by making documentation available to anyone requesting it and by publishing a campaign bulletin sent to active components of public opinion such as non-governmental organizations, trade unions, militants, a number of journalists, and members of the France-Indonesia and France/South-East Asia friendship groups in the National Assembly and the Senate, respectively. Two photographic and textual exhibits on East Timor are currently touring France. And finally, the campaign has addressed the INFID conference; the Indonesian Embassy; and the Foreign Ministry of France, among others.

Though the campaign has received only modest press coverage, it has received broad support among other organizations and in the field. Among them are Reporters Sans Frontières, the Fédération de l'Education Nationale, eight help and support groups for the Tibetan people, Tribal Act and ICRA International. Several militant groups and members of the press have mentioned the campaign, which has led to numerous requests from individuals seeking to act locally. Information activities have also taken place in more than 20 French cities, such as Aix-en-Provence, Argenteuil, Caen, Grenoble, Le Mans, Lille, Lyon, Nanterre and Paris.

Apart from raising the awareness of "civil society", one of the most striking successes of the campaign has been its ability to begin raising the awareness of French Parliamentarians. For the first time since 1986, a senator from the governmental majority asked a written question of the Minister of Foreign Affairs on "the violent repression waged by Indonesia in the occupied territory of East Timor", asking "what steps France is taking to ensure the protection of individuals and the respect for international law in this territory". Other Parliamentarians have written to the campaign to advise them of the consideration they are giving to the question. This stirring of a hitherto somewhat unmoved national Parliament bodes well for the future.

Finally, this overview would not be complete if we did not refer to other groups which, while not participating in the campaign, are carrying out parallel actions for the sake of East Timor. These include Amnesty International and Christian Action for the Abolition of Torture.

This qualitative and quantitative leap in solidarity with the Timorese people in France is not taking place in isolation. For three years now, there has been an indisputable global resurgence in awareness and commitment - more often than not among militant circles, sometimes among the media, so far still very rarely among Governments. Such an evolution gives us the hope, which would have been utopian just a few years ago, that the Timorese people will at last be able to exercise its right to self-determination in the near future. But this sense of progress should not obscure the existing international hurdles, the dearth of goodwill on the part of the occupying Power and the absence of any improvement in the human rights situation in the territory.

We shall not dwell on the last two points, in the knowledge that the Committee will doubtless be informed about them by the petitioners. As regards the first point, we must deplore in this forum the inertia and bad faith of the French Government. Admittedly, France does not recognize the annexation of East Timor by Indonesia, as its successive Governments have stated on several occasions. Likewise, French diplomacy no longer feigns ignorance of the massive violations of human rights and recognizes the gravity of the situation. And, lastly, the junior Foreign Minister of a previous Government and the President of the Republic have expressed their concern to the Indonesian authorities, and France voted - reluctantly - in favour of the 1993 resolution of the Commission on Human Rights on East Timor.

But our country is applying no pressure on Indonesia to put an end to its violations of human rights, let alone to ensure that it complies with international law. Far worse, the Ministry of Foreign Affairs considers explicitly that it is not expedient to establish a linkage between its economic aid and respect for human rights, although this linkage was requested by the Council of Foreign Ministers of countries of the European Community, in a declaration dating back to November 1991.

This refusal to carry out any concrete action is naturally due to the economic interests of our country. According to French diplomatic sources, 98 per cent of French development aid in 1992 was a disguised subsidy for national investments in the country through Alcatel, Alsthom, Dumez. But France is also one of the principal suppliers of arms and military hardware to Indonesia, and in particular of Puma helicopters, which are manufactured under license there. Quite recently, 20 105 LG-type artillery guns were sold to Indonesia by GIAT for a total of $17 million. France also has a strong presence in Indonesia in the field of telecommunications, part of which has been supplied to the Indonesian Army.

Indonesia has no known real or potential enemies. The arms sold to this country can therefore only be used for purposes of repression, counter-insurgency or for offensive action, for example in East Timor. We know, thanks to the detailed investigations of British journalist John Pilger, that development aid supplied by the United Kingdom goes hand in hand with arms supplies - the Hawk aircraft. Knowing this, who can guarantee that the same is not true for France?

In conclusion, we can but repeat the suggestions made last year to this Committee: that the Committee provide, as far as possible, information to the public on actions it is taking for the sake of the East Timor people's right to self-determination; that the Committee exclude Indonesia from any decision-making process concerning East Timor, pursuant to the principle of law according to which one cannot be the judge at one's own trial; that the Committee recommend to the Secretary-General that he do everything in his power to obtain the release of Xanana Gusmão as a symbol of the Timorese resistance movement, while not thereby neglecting to intervene for the sake of the release of other Timorese political prisoners; and lastly that the Committee recommend that the Secretary-General make public the two reports of Mr. Amos Wako.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Richard Koch (British Coalition for East Timor) took a place at the petitioners' table.

The Chairman *(interpretation from Spanish)*: I call on Mr. Koch.

Mr. Koch: Since the Santa Cruz massacre in 1991, the issue of East Timor has reestablished itself firmly on the international agenda. This has been reflected in new diplomatic initiatives. It is sad, however, to note that in Paris last Friday, 8 July, the donor nations that make up the Consultative Group on Indonesia yet again decided to increase aid to Indonesia for the next year to a record $5.2 billion. This is surely the most explicit evidence of Western nations' double standards - expressing hope that Indonesia's record on human rights will improve while doing nothing that might actually pressure Jakarta into changing its ways.

The record of the British Government is particularly shameful. Following the showing of John Pilger's documentary "Death of a Nation: The Timor Conspiracy", there has been a massive upsurge both in press coverage and in popular concern for East Timor. The British Foreign and Commonwealth Office (FCO), however, remains unmoved by public opinion and continues to give identical stock answers to the questions of MPs and the general public alike. Instead, it prefers to propagate Indonesian falsehoods such as the refutation of evidence of a second massacre on 12 November 1992 at the Wira Husada Military Hospital by "one of East Timor's most prominent priests". This priest was Marcus Wanandi, an Indonesian assigned to "assist" Bishop Belo. One of Wanandi's brothers is the business partner of President Suharto's daughter in "tourist development" in East Timor; the other, Jusuf Wanandi, was a BAKIN agent whose role in Operasi Komodo, the plan to integrate East Timor, was to drum up diplomatic support in the United States and Western Europe. Bishop Belo has since affirmed that the second massacre did take place.

Although the FCO is always "grateful for their interest", members of the British public apparently make "a mistake to confuse past history with today's realities" and are "wrong to suggest that widespread abuses of human rights persist in East Timor". The FCO is "encouraging Indonesia to live up to its human rights obligations". There is much evidence to the contrary. Last June, FCO officials fostered the impression that the Government was pushing for International Red Cross access to political prisoners. A "restricted access" telex from the British Embassy in Jakarta stated the opposite - that external pressure would contribute little. An internal memo described letters in response to questions on the subject as "for stonewalling".

The FCO's main energy has been devoted to defending "its own clear policy on arms sales to Indonesia", especially concerning the sale of Hawk jet-fighters worth £500 million, finally confirmed last June after months of denials. This policy is based on the right to self-defence under Article 51 of the United Nations: "This is a right we

claim for ourselves and it would be inconsistent and discriminatory to deny it to others".

Actually, the British Government denies this right to Bosnia. There is no conceivable threat to Indonesia from any of its neighbours. The expansionist Power in the region is Indonesia. In the early 1960s Jakarta's policy of *konfrontasi* posed a very real threat to Malaysia's sovereignty; in 1963 Indonesia occupied West Papua, and in 1975, of course, invaded East Timor. Supplying Indonesia with arms stokes a regional arms race, irrespective of the moral and legal considerations. The FCO's "own clear policy" also undermines initiatives such as that last August by the United States Government to block the sale of F-5E jet-fighters from Jordan. Indonesian generals simply said that they would buy from Britain or France instead, having already ruled out buying from Russia.

The FCO has, moreover, a whole arsenal of secondary justifications for the sales. It says it has an assurance that the Hawks will not be used against civilians. In 1984 it said that it did: "not normally seek assurances which can offer no reliable guarantee about the uses to which the equipment might later be put".

The shadow Foreign Affairs spokesperson wrote to Foreign Secretary Douglas Hurd on 28 October 1993 to spell out just what those assurances were. He has still not received a reply.

The FCO says that: "the Government would not license for export any defence equipment likely to be used for internal repression".

Other ministries admit, though, that the siting of equipment is a matter for the purchasing country and that it is not practical to monitor their use once it has reached its destination. The FCO says that the Hawks that Indonesia has and is purchasing are trainers. This contradicts Air Force Chief of Staff Marshall Sukardi's announcement in January 1985 that Hawks delivered in the early 1980s were serving in the new airforce "for purposes of advanced training and tactical combat". Similarly, Indonesia's Minister of Research and Technology, Dr Habibie, said on 17 April 1994 that the new Hawks "will be used not only to train pilots but also for ground attack". The FCO's assertions of the impossibility of converting the trainer version of the Hawk to the full ground attack version are blatantly contradicted by British Aerospace's promotional literature.

This is just so much more "stonewalling". The British Coalition for East Timor's concern is not about the particular use of any individual item, but rather the "seal of approval" that our Government gives to the Indonesian armed forces (ABRI). Despite its role in the genocide of the East Timorese people, the British Government effectively says that ABRI is responsible and trustworthy. Eyewitness testimony of East Timorese about the use of Hawks in the bombing campaigns in the east of the island during the mid-1980s is dismissed out of hand as "not cast--iron". Indonesian propaganda is accepted at face-value.

> "I think those making such allegations would have to do a bit better. We've said that we are ready to consider hard evidence that Hawks are being used for repressive purposes in East Timor, but no one has come up with any,"

says Junior FCO Minister Alistair Goodland. The FCO will not though give a categorical assurance that Hawks have not been used in East Timor.

Mr. Goodland also claims that Indonesia is reducing its troop levels to the average strength for a small province - a claim that Indonesia seems to make every year. However, this is not borne out by the reports of the British military attaché who visited East Timor last November whose "hard evidence" reveals a very different side of East Timor than that passed on to members of the public. The report was headed: "Confidential... not, repeat not, intended for use in the press".

He asked the local commander in Dili, Colonel Lumitang, about Indonesian military strength in East Timor. The commander eventually admitted the presence of 10 battalions which are rotated every nine months. He gave no timetable for withdrawal but hoped to "have it all under control in 1995" with only "indigenous battalions" left. Of his meeting with East Timor's Deputy Governor, the military attaché remarked:

> "The lasting impression was of petty provincial bureaucracy devoting more effort to the production of statistics than the administration of the province".

Along with officials from other embassies, the British military attaché insisted on visiting the Santa Cruz cemetery:

> "[We] were keen to judge whether the shootings there two years previously might have taken place because the area was restricted with no exits along which the

demonstrators could have been dispersed. [We] observed that there were at least four exits and that the cemetery walls were not high... This physical layout should have allowed well-trained troops to disperse a demonstration with little bloodshed."

Britain's diplomatic tolerance of Indonesia over East Timor dates back to the events surrounding the invasion. In July 1975 the British Ambassador in Jakarta suggested that London lie low and "avoid siding against the Government" as it was:

"in Britain's interest that Indonesia should absorb the territory as soon and as unobtrusively as possible".

By 1985 Indonesia had become the biggest recipient of British aid outside the Commonwealth. Since 1991, diplomatic activity has stepped up dramatically with numerous ministerial visits and trade missions. Aid, mainly in the form of Aid and Trade Provision projects, has been lavished on Jakarta. On 7 April 1994, Alistair Goodland announced a "soft loan" of £80 million, a large part of which will cover spending on telecommunications. It is no coincidence that the companies providing this "aid" are the same companies supplying the Indonesian military with communications, radar and electronic equipment. This follows last year's £65 million "soft loan" agreed by Douglas Hurd for a power-generating plant in Kalimantan, where British mining companies have substantial interests. Not only are such agreements tied to British trade, they are typically channelled towards top-down infrastructural development projects which benefit large-scale British investment projects rather than encourage development by local people.

This "conditionality" is a long way from the conditionality that Douglas Hurd was espousing in 1990 and 1991:

"Countries tending towards pluralism, public accountability, respect for the rule of law, human rights and market principles should be encouraged. Those who persist with repressive policies or corrupt management... should not expect us to support their folly with scarce aid resources which could be better used elsewhere."

By 1991, this view had crystallized into three principles of good governance that Douglas Hurd suggested should be applied to the European Community budget: first, respect for human rights and the rule of law; secondly, pursuit of sound economic and social policies; and, thirdly, competence and accountability of government institutions.

Even at that time aid agencies suggested that small and unimportant countries would be made an example of, while the transgressions of larger States, such as Indonesia, would continue to be overlooked. Their predictions proved correct. Conditionality of aid has since been ditched, luckily for Indonesia, since it would not pass the test of any of the above principles.

The Indonesian Government has said that it wants dialogue, but it has imprisoned Xanana Gusmão, has lied about his supposed appeal for clemency, is attempting to split the Timorese resistance abroad, prosecutes those Indonesians who dare to speak the truth about East Timor and commits yet more human rights abuses as it continues its genocidal occupation in breach of eight General Assembly resolutions and two Security Council resolutions.

Finally, the British Coalition suggests that the members of the Indonesian delegation ask themselves what Indonesia has to fear from an independent East Timor. The words of a statement to the Indonesian Bishops' Council on 10 November 1974, of which George Aditjondro was one of the authors, still have an uncanny resonance today:

"If people think that the independence of Portuguese Timor would represent a threat to the existence of the Republic of Indonesia, then it is obvious that something is not right in our Republic."

The petitioner withdrew.

At the invitation of the Chairman, Mr. Pedro Pinto Leite (International Platform of Jurists for East Timor) took a place at the petitioners' table.

The Chairman *(interpretation from Spanish):* I now call on Mr. Pedro Pinto Leite.

Mr. Leite: The International Platform of Jurists for East Timor wishes to convey to this Committee its concern over the very critical situation in East Timor. For more than 18 years the Government of Indonesia has denied the East Timorese their right to self-determination. Now it is clear that Jakarta is losing its infamous war. As in many colonialist regimes, the generals of Jakarta are aware of their defeat and intensify the repression in the occupied Territory. We urge the United Nations to intervene actively to stop that repression.

I have stated that the Government of Indonesia is losing the war, in spite of the huge difference in military forces. After many promises, Indonesia has not withdrawn its forces from the Territory and maintains an occupation army of more than 10,000 men. On the other hand, the Timorese armed resistance has no more than 1,000 fighters. The fact is that the Indonesian military in these 18 years has been unable to crush the Timorese resistance. That in itself is already a defeat.

But the Indonesian regime is losing the war on many other fronts. Jakarta planned to win the hearts and minds of the new generation of Timorese, those who did not witness the invasion and the subsequent massacres, which persisted until the end of the 1970s. This proved to be wrong. The massacre of Santa Cruz shows that Timorese youth is willing to fight for freedom. They refuse to be Indonesian, including the few that are being educated in Jakarta. The Javanese colonialists did not learn the lessons of Ho Chi Minh, Amílcar Cabral or Agostinho Neto. But the young Timorese did, and that is why they will lead their country to independence.

The Indonesian administration realized its failure, and thus increased the repression against the youth and students. In recent months, killings, detentions and trials have occurred in East Timor and in Indonesia. Two months ago in the locality of Uelau, the military murdered by machine-gun fire an unarmed young boy named Marcelo. After playing with his dead body they threw it into a river. In early May, 11 persons were arrested for having demonstrated in Dili before foreign journalists. At least three of them were sentenced to 20 months in prison for allegedly having "planned actions of hostility and hatred against the Indonesian Government".

In June two young Timorese were sentenced to three years in prison for raising the flag of the Revolutionary Front for an Independent East Timor (FRETILIN). In May two other Timorese, António Soares Araujo and José António Neves, were arrested in Malang in East Java. José António is one of the leaders of RENETIL, the Maubere students' resistance movement. He has phoned or faxed the secretariat of the International Platform of Jurists for East Timor several times to denounce the detention and torture of Timorese. I still remember his calm and courageous voice denouncing the crimes of the Indonesian authorities. Like others, he is now facing prison and torture. The International Platform of Jurists for East Timor urges this Committee to intervene and seek his release since this case involves the violation of the right to self-determination. We also hope that the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, who is visiting East Timor, has been able to investigate the massacre of Santa Cruz and those which followed, including the aforementioned barbarous killing of Marcelo.

Another area where the Indonesian regime is losing the war concerns religious beliefs. There is no religious war in East Timor. However, the generals have created an artificial religious problem. They forced the East Timorese, who were animists, to choose one of the five officially accepted religions and are building mosques everywhere in the Territory with the expectation that the East Timorese will choose the Islamic religion. Jakarta hopes that with a majority of muslims, integration will be facilitated. However, the East Timorese chose Catholicism, which became another form of protest against the occupation. Most of the Catholic priests in East Timor are allies in the political and cultural resistance to the invader. Bishop Carlos Ximenes Belo is one of the best examples. During interviews in recent months with foreign journalists and parliamentarians who visited him, he has reaffirmed his support for a United Nations-supervised referendum in East Timor. As the Committee will certainly recall, he appealed to Mr. Pérez de Cuéllar for a referendum in a letter dated February 1989.

In reply, the Indonesian military have stepped up the repression of the clergy in East Timor. Many priests have been threatened and persecuted. Bishop Belo is also a victim of such persecution. Recently he told a visitor how the Indonesian military had tried twice to assassinate him. Just a few days ago *Agence France Presse* reported that soldiers had committed sacrilege in a Catholic church by stamping on sacred communion wafers. Such a gratuitous act reveals the desperation of the military before this particularly sensitive defeat.

The Indonesian regime is also losing the war on East Timor at home. For years, because of the curtain of silence around East Timor and the censorship of the media, the Indonesian Government managed to keep its own citizens ignorant of what was going on in the occupied Territory. The tables were turned after the massacre of Santa Cruz and the trial of Xanana Gusmão. More and more Indonesian personalities and organizations are publicly questioning the occupation of East Timor. One of the leading figures in this anti-colonialist movement is Mr. George Aditjondro of the Satya Wacana Christian University in Salatiga. Taking into account these developments, some Indonesian newspapers increased their reports on East Timor.

Again, a new wave of repression was the Government's reaction. As the Committee knows, many people have been arrested in Indonesia in recent weeks for expressing opposition to the military dictatorship. Others, like Mr. Aditjondro, were repeatedly threatened. On 21 June 1994 the Government shut down three influential magazines - *Tempo, DeTik and Editor*. Six days later, the detention of dozens of civic leaders was ordered during a non-violent protest against this censorship.

The New York Times reported on 23 June 1994

> "Diplomats and human rights advocates said the closing of the magazines was the most serious blow to freedom of the press in Indonesia in decades" *(The New York Times, 23 June 1994, p. A5)*

IPJET welcomes the quick reaction of the American press and the very recent and strong protest of many organizations, like Friends of the Earth, the National Wildlife Federation, the Robert F. Kennedy Memorial Center for Human Rights, Greenpeace, Lawyers Committee for Human Rights, and Human Rights Watch/Asia.

Finally, the Indonesian dictatorship is also losing the war on the diplomatic front, particularly in the Association of South East Asian Nations (ASEAN) and in other countries of its own region. In Bangkok more than a hundred Asian human rights organizations have made a strong appeal for the self-determination of East Timor. In Manila the Asia-Pacific Conference on East Timor, of which IPJET was a co-convenor, reached the front pages of many Philippine newspapers for three weeks, despite desperate attempts by Jakarta to stop it. Other petitioners will certainly elaborate on the significance of the Manila Conference and its conclusions. Just two weeks ago, in Kuala Lumpur, a special forum on East Timor organized by a group of 30 non-governmental organizations criticized the Governments of the ASEAN countries for tolerating human rights violations like those in East Timor. We heartily welcome the recent words of Husin Ali, President of the opposition Malaysian People's Party:

> "Everything is done in the name of the solidarity between ASEAN members, but ASEAN should not be used to conceal human rights violations and genocide".

The recent laudable stance of the Parliament of New Zealand, demanding the right of self-determination for East Timor, signifies another defeat for Indonesian diplomacy.

In IPJET's petition of 1991, I welcomed the success achieved by the Namibian and the Sahraoui peoples in their struggle for self-determination. Last year I witnessed Eritrean independence. Those cases confirm a future solution for the question of East Timor pursuant to the rule of law. I am very glad to be able to add the name of South Africa to that list now. The apartheid regime also implied a clear violation of the right of the people of South Africa to self-determination. For many decades, as with Namibia, the Western Sahara and Eritrea, colonialist forces were repeating that the situation in South Africa was irreversible. The African National Congress and the anti-apartheid solidarity movement knew better. Until very recently Nelson Mandela was a political prisoner; he is now the President of a new South Africa.

IPJET initiated an appeal addressed to the United Nations Secretary-General urging him to intervene and exercise his influence in order to obtain the immediate and unconditional release of Xanana Gusmão and of all other detained East Timorese. We have collected 1,873 signatures, mainly from legal professionals, government officials and public figures of around 40 countries from every continent. Among them are 50 parliamentarians, two former Foreign Ministers, diplomats, Supreme Court judges, bishops, heads of universities and law schools and leaders of more than 30 non-governmental organizations. I hereby deliver to you, Mr. Chairman, the product of this appeal. Like Nelson Mandela, Xanana Gusmão has to have the main role in the solution of the East Timorese problem.

As the Economic and Social Council stated in paragraph 2 of its resolution 1978 (LIX) of 31 July 1975, a few months before the Indonesian invasion of East Timor,

> "the recognition by the General Assembly, the Security Council and other United Nations organs of the legitimacy of the struggle of colonial peoples to achieve freedom and independence entails, as a corollary, the extension by the United Nations system of organizations of all the necessary moral and material assistance to the peoples of the colonial territories and their national liberation movements".

Now that the problem of East Timor is reaching a decisive moment, I am confident that this Committee will promote stronger assistance by the United Nations to the martyred people of East Timor.

The petitioner withdrew.

At the invitation of the Chairman, Miss Lita Killup, Asia-Pacific Conference on East Timor, took a place at the petitioners' table.

The Chairman *(interpretation from Spanish)*: I call on Miss Killup.

Miss Killup (Asia-Pacific Conference on East Timor and the Philippine Solidarity for East Timor and Indonesia (PSETI): We thank the Committee for allowing the Asia-Pacific Conference on East Timor (APCET), as represented by its secretariat based at the Initiatives for International Dialogue (IID), to convey the collective voice of representatives of the peoples in the Asia-Pacific who wish to see the dawning of freedom in East Timor.

APCET is a fresh initiative among civil libertarians, non-governmental organizations and people's organizations in the Asia-Pacific region. It seeks to articulate the burgeoning fellowship among peoples in the Asia-Pacific region with the embattled people of East Timor.

The coalition is temporarily based at the offices of the Initiatives for International Dialogue, an independent Filipino international non-governmental organization working for South-South solidarity. IID was instrumental in organizing the recent Asia-Pacific Conference on East Timor.

Giving impetus to the birth of APCET was the indifferent - nay, amoral - attitude of our Governments with regard to East Timor. Political leaders in the Asia-Pacific region have chosen to remain silent over the patently illegal annexation of East Timor by the Suharto military regime, despite relevant United Nations resolutions. This duplicity has emboldened Indonesia to flaunt its power in the region and bully its neighbours.

This was starkly displayed when Suharto recently arm-twisted the Philippines Government on the Asia-Pacific Conference on East Timor. Indonesia threatened to withdraw billions of so-called potential investments in the Philippines. Seeking to appease Jakarta, Philippines President General Fidel V. Ramos moved to ban all foreign delegates. The Government even deported Nobel Peace recipient Mairead Maguire and included in the banned list the French First Lady, Danielle Mitterand. Ramos's Government capitulated to the extent of carelessly using subterfuge to bring about a court order banning the conference anywhere in the Philippines.

But the Filipino people and the other peoples of the region were not to be denied their rights. We defied the Government and won as the Supreme Court allowed the conference to proceed.

Indonesia's bullying of the Philippines and the latter's submission unleashed a diplomatic furor never before experienced among the States of the Association of South-East Asian Nations (ASEAN). The row was extensively covered by the international media. Instead of putting a lid over Indonesia's illegal occupation of East Timor, Indonesian pressure on the Philippines served to unravel the lie it sought to perpetuate, particularly among the peoples of the Asia-Pacific region.

Even in South-East Asian countries, East Timor was relatively obscure and isolated. During the Manila Conference on East Timor, the barbarity and callousness of the Indonesian military regime's invasion and subsequent occupation of the Territory were laid bare before its Asian neighbours.

The facts presented to the Conference were stark and indisputable. No doubt they have not escaped the Committee's attention. No doubt they have been presented before the Committee many times over in the seemingly countless discussions on the East Timor question. Thus, we do not wish to benumb it with the number of East Timorese who were murdered due to what Indonesia terms their "common brotherhood". Nor do we need to remind the Committee of the thousands of East Timorese who continue to bear the yoke of Suharto's military oppression and exploitation.

But the peoples of the Asia-Pacific region were horrified by what the conference revealed. To the representatives of peoples' organizations and non-governmental organizations in South-East Asia, it was hard to comprehend how Soeharto and his military could murder 200,000 East Timorese and still hide this dastardly act from their neighbours. Equally disgusting is the fact that Governments in the region chose to swallow the lie peddled by the Indonesian Government. But what was most appalling was the apparent inability of the United Nations to discipline a so-called leader of the Non-Aligned Movement, Indonesia.

The United Nations was swift in its action against Saddam Hussein and was effective in its peace-keeping role in Angola, Namibia and Cambodia, not to mention its peacemaking efforts in Nicaragua and El Salvador. APCET is therefore baffled by the apparent immobility of

the United Nations before its task of settling the conflict in East Timor. Compounding this perplexity is the fact that the General Assembly has already entrusted the Secretary-General with specific tasks as regards the status of East Timor as a Non-Self-Governing Territory.

Even then, while we question the apparent dilly-dallying and uselessness of the United Nations on the East Timor question, we also recognize its ability to enforce the consensus of the General Assembly on other fronts, especially on the issue of Non-Self-Governing Territories, and indeed it behooves us to do so. We take cognizance of a number of such Territories that have won the right to determine their own future in recent years with significant assistance from the United Nations.

The United Nations knows its obligation to enforce the sovereign right of the East Timorese people to design its own destiny. For certain, the United Nations will have to enforce the two Security Council resolutions and the eight resolutions adopted by the General Assembly in favour of East Timor as soon as possible.

Hence, we appeal to this Committee not only to turn its attention to the themes I have mentioned, but also to sink its teeth into them. These are the requirements recognized by the Coalition as essential to the preservation of the East Timorese nation. We urge the Committee to take cognizance of the urgency of resolving the East Timor question and accept the following recommendations as part of the steps that the United Nations will undertake. The first relates to a cease-fire and referendum. An immediate cease-fire between the Armed Forces of National Liberation of East Timor (FALINTIL) and the Indonesian occupying forces, including the complete demilitarization of East Timor, must be implemented and a genuine peace process should be set in motion. While this is under way, a fair and honest referendum must also be held to determine the will of the East Timorese. All of this must be done under the direct supervision of the United Nations.

While the United Nations is indispensable for carrying out such measures, the views of the representative organizations of the East Timorese people must be given primary consideration. In this regard, the Coalition expresses its support for the peace plan drafted by the National Council of Maubere Resistance (CNRM) and for initiatives towards self-determination advanced by other genuine East Timorese groups.

The second recommendation relates to the release of political prisoners. Steps must be taken immediately for the release of all East Timorese political prisoners. This call should be taken as part of a package of confidence-building measures. Among those who should be immediately freed is Kay Rala Xanana Gusmão, Chairperson of the National Council of Maubere Resistance and Commander-in-Chief of FALINTIL. Freeing Mr. Gusmão is essential to the resolution of the conflict. He must be given a direct role in any negotiations regarding East Timor. Xanana Gusmão must assume a leading role in the East Timorese panel that will negotiate with the Indonesian Government.

Our third recommendation relates to the situation of women. APCET enjoins the Commission on Human Rights Special Rapporteur on torture to seek out and heed the voices of women in East Timor regarding atrocities against them, including sexual violence such as rape, being perpetrated by the Indonesian military in East Timor. Likewise, Indonesia's forced birth control programme and its aggressive family planning programme should be investigated. The Coalition views these measures with alarm in the light of reports that these are being used to terminate population growth among the East Timorese. The United Nations should also inquire into allegations that these measures are part of Indonesia's "transmigration" programme. Under that scheme, the rich culture and heritage of the East Timorese people would be obliterated.

To achieve the above recommendations, the United Nations should do everything within its mandate to expand access inside East Timor. Indonesia has already promised this to human rights and humanitarian organizations, the media, and United Nations special rapporteurs.

APCET enjoins the Special Committee to undertake an expeditious examination of those proposals. It is further suggested that such measures be taken as part of the specific components of the Secretary-General's report to the General Assembly. APCET fervently hopes that if this is done, the conflict in East Timor will be squarely addressed in the General Assembly's action plan to free all colonized peoples by the twenty-first century. That would be a fitting accomplishment in this Decade for the Eradication of Colonialism.

Enacting these recommendations will certainly be complex and difficult. The interests of the leaders of the world's biggest Muslim country obstruct the way. But is this not the kind of dilemma that provided impetus for the establishment of the United Nations: to give all countries, big and small, powerful and powerless, strong and weak, equal opportunities before the bar of world opinion? Is it

not the mandate of the United Nations to impose the full weight of international law upon recalcitrant States with the same dispatch and concern it did during the Gulf War?

The effectiveness of the United Nations rests upon the common ground that its Member States are able to achieve. It was understandable then that finding such commonality was frustrated by the super-Power rivalry which dictated the contours of international and regional politics during the cold-war era. The world has since regained that opportunity. However, the end of East-West tensions has instead only served to highlight regional conflicts caused by regional bullies like Indonesia.

The General Assembly and the Security Council have already spoken. It is time to apply the Declaration on decolonization in East Timor; resolutions from both United Nations bodies attest to this. What remains to be mustered is the political will to apply these resolutions and exercise the mandate bestowed by the United Nations Charter upon Member States to help colonized peoples gain their inalienable right to self-determination.

Yet despite the world's condemnation of its illegal occupation of East Timor, Indonesia adamantly clings to its claim over the Territory. It has chosen to ignore the United Nations. It has chosen to ignore world-wide public opinion. It has chosen to ride roughshod over its neighbours and blackmail them, and force them to kneel - nay, kowtow - to its demands.

We cannot, should not, allow this to happen. Surely, it is the apex of hypocrisy for the United Nations and regional bodies such as the Association of South-East Asian Nations to tolerate the continuing persecution of the East Timorese while at the same time paying lip service to peace and disarmament.

How much longer will this tragedy continue? The answer is lurking somewhere within the halls of the United Nations. Indeed, the answer rests partly, if not totally, upon the will of this Committee.

I had been asked to read out a statement from Philippine Solidarity for East Timor and Indonesia, but I shall rather submit it as an attachment to the statement I have just delivered, since that organization is a part of the Asia-Pacific Coalition for East Timor.

The meeting rose at 1.05 p.m.